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In re Application of
OLIVETTI *et al*
U.S. Application No.: 10/538,875
PCT No.: PCT/EP02/14482
Int. Filing Date: 18 December 2002
Priority Date:
Attorney Docket No.: 05788.0372
For: MODULAR APPARATUS AND
METHOD FOR DATA
COMMUNICATION BETWEEN A
DISTRIBUTION NETWORK AND A
RESIDENTIAL NETWORK

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**DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT**

This decision is in response to the "Petition to Withdraw Holding of Abandonment Under M.P.E.P. 711.03(c)(I)(B)" filed on 08 September 2006.

BACKGROUND

On 23 November 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b), additional claim fees of \$100.00, and a \$130.00 surcharge fee pursuant to 37 CFR 1.492(h) was required. A two-month time limit in which to respond was set with extensions of time available.

On 23 January 2006, applicants filed a response which contained, *inter alia*, an executed declaration, a response to the additional claim fee charge, the \$130.00 surcharge fee, and authorization to charge the additional claim fee to Deposit Account No. 06-0916 if required.

On 03 August 2006, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that the above-captioned application was abandoned because applicants failed to respond to the Form PCT/DO/EO/905 mailed 23 November 2005.

On 10 February 2004, applicants filed the instant petition to withdraw the holding of abandonment which was accompanied by, *inter alia*, copies of the documents filed 23 January 2003 and a stamped postcard receipt for those documents.

DISCUSSION

A review of the application shows that a response to the Form PCT/DO/EO/905 mailed 23 November 2005 was filed and received in the Office on 23 January 2006. This response included a declaration in compliance with 37 CFR 1.497(a) and (b) and the \$130.00 surcharge fee

Accordingly, the Form PCT/DO/EO/909 mailed 03 August 2006 was sent in error and is hereby **VACATED**.

DECISION

For the reasons above, applicants' petition to withdraw the holding of abandonment is dismissed as **MOOT**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.


James Thomson

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